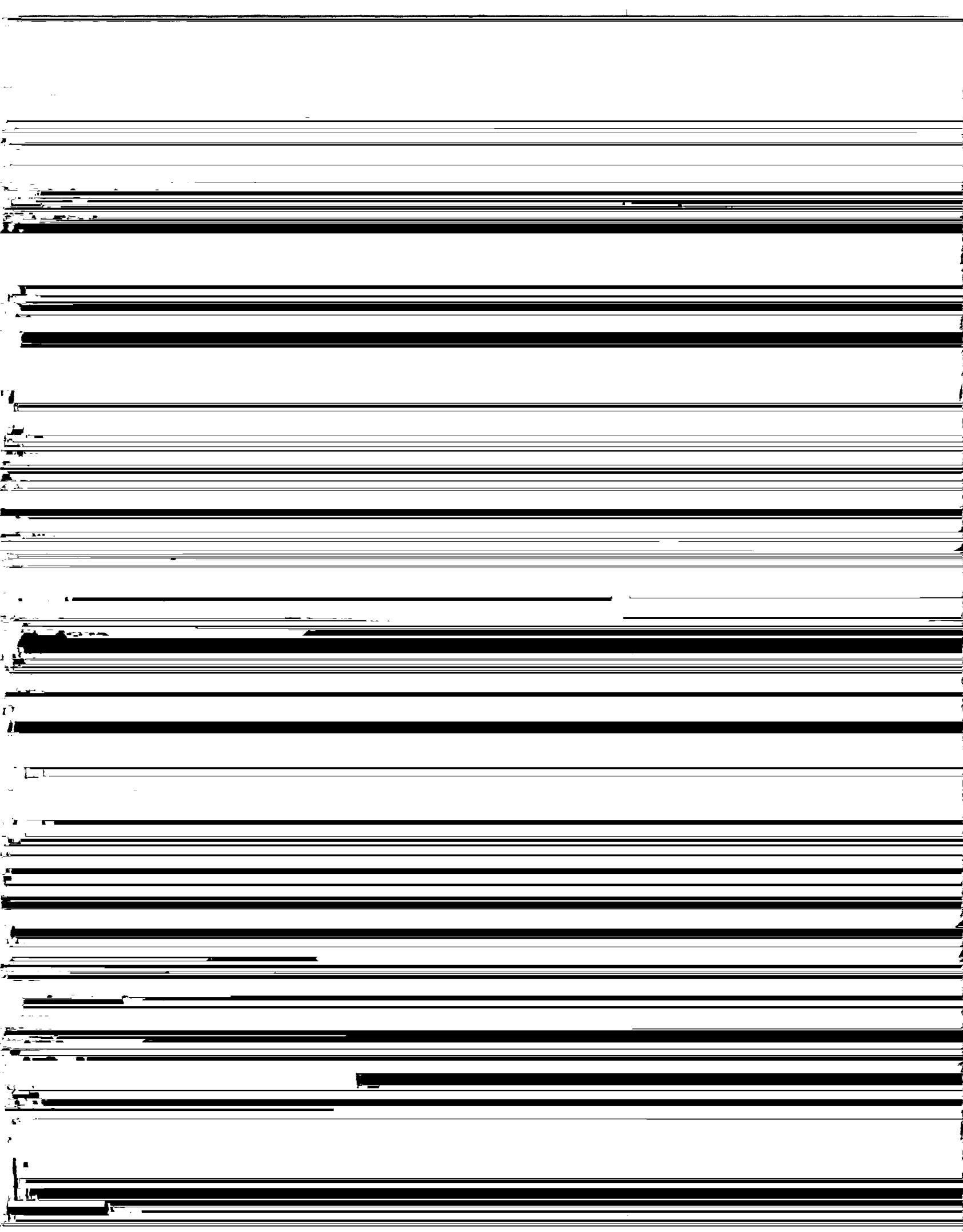


DECLARATION

Lewis I. Cohen hereby declares under penalty of perjury that the following is true:

On June 7, 1991 I attempted to review the files in the Office of the Prothonotary in the Court of Common Pleas in Pittsburgh, Pennsylvania of the following two actions: G.D. 88-02730 and G.D. 89-22010. As part of the file there was included an envelope which was sealed. I asked an employee of the Clerk's Office named Terry Sands whether I could review the contents of the envelope. Mr. Sands checked with another person, and then opened the envelope for me and handed me the transcript of the May 24, 1991 hearing before Judge John L. Musmanno. I asked Mr. Sands if I could xerox the transcript. He told me that was not permitted, but that I could make whatever notes I wanted of the transcript. I then copied the transcript verbatim except for that portion dealing with mutual releases. Attached hereto is a typewritten copy of the text from those verbatim notes.

Prior to the sealing of the record ordered at the settlement conference, I had inspected the record and obtained copies of a number of documents, including the Amended Complaint in GD88-02730; the Complaint and Amended Complaint in GD89-22010; the jury verdict in GD88-02730 and accompanying Interrogatories; the Court's



Transcript of May 24, 1991 11:30 a.m.
Hearing in Chambers

The Court:

Let the record reflect that we are in Chambers, that we have been discussing settlement, and the case has been resolved.

Present in Court are the plaintiff, with her counsel Howard Louik, the defendant's counsel, Terrance Murphy, Allan Andrascik, Edward Meyers, General Manager of WBZZ and Allan Box, President of EZ Communications.

Both sides have agreed that the amount of settlement will be absolutely confidential. It will not be discussed in any sort of range, whether it be one figure, two figures or 50 figures.

There will be no inkling whatsoever of the range of the settlement other than the parties are permitted to say to anybody that the case was amicably resolved. Both parties are pleased with the settlement. It ends many years of potential litigation. Other than that they will say nothing about it.

The plaintiffs will settle and discontinue the present action G.D. 89-22010.

The plaintiff will also settle and discontinue the prior action G.D. 88-02730.

Further, that this settlement encompasses the plaintiff withdrawing their letter of inquiry with the FCC.

Further, the plaintiff agrees that she will not file a complaint with the FCC. She will not assist

anybody in filing a complaint with the FCC. She will in no way directly or indirectly assist anybody in filing a complaint.

Further, should she be subpoenaed, in the unlikely event some party that we don't know about files a complaint, she will refuse to testify on the grounds that the Court Order in this present case prohibits her; and, it is understood that if that Order doesn't prevent her, that that will not be a violation of this agreement.

In other words, she will go as far as refusing to testify and saying that you'll have to get approval from Judge Musmanno who will not give approval. If somehow I'm overruled by some higher court, then understand that that's not a breach of the agreement. She has given her assurance that she will not do anything voluntarily in any way to cause you a problem with the FCC. I mean I don't know how much broader I can make it other than that.

The Court:

Further, the parties agree that the record on appeal at G.D. 88-02730, the parties agree that the entire record will be sealed by Court Order, including transcripts of testimony, any pleadings, documents filed, any briefs, letters that were attached as exhibits to those briefs or records. All will be sealed by Court Order.

[There follows a discussion concerning the
Court's Order concerning mutual releases.]

The Court:

The parties further agree that as part of the agreement they intend to execute, that there will be a mutual non-disparagement clause and.....

Mr. Kamin:

A statement in the release that the objected to conduct by Ms. Randolph was not that of management but that of co-workers or co-employees.

The Court:

An essential consideration of this settlement agreement is the need for confidentiality on both sides. Accordingly, it's to be understood by both parties should there be any breach of the confidentiality provisions, that the Court will then entertain a contempt action against the breaching party. In other words, any breach of this agreement will involve a contempt citation.

Mr. Kamin:

Defendants will pay record costs.

The Court:

All the parties were present during the discussion of the terms, and for the record Ms. Randolph, do you agree to the settlement?

Ms. Randolph:

Yes, I do.

The Court:

Mr. Louik?

Mr. Louik:

I do.

The Court:

Mr. Kamin?

Mr. Kamin:

Yes sir.

The Court:

On behalf of the defendant Mr. Box, the President,
do you agree?

Mr. Box:

Yes, I do.

The Court:

Mr. Meyer, do you agree?

Mr. Meyer:

Yes.

The Court:

Mr. Murphy?

Mr. Murphy:

I do.

The Court:

Mr. Andrascik?

Mr. Andrascik:

I do.



NEWS

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1975).

13022

Report No. GN-73

GENERAL ACTION

May 9, 1991

FCC MODIFIES 1990 POLICY STATEMENT AND ORDER CONCERNING CHARACTER QUALIFICATIONS OF BROADCAST LICENSEES/PERMITTEES

The Commission has modified its 1990 Policy Statement and Order regarding character qualifications of broadcast licensees and permittees by easing the reporting burden imposed on licensees, and clarifying the reporting requirement.

Under the amended rules, all broadcast permittees and licensees must report to the Commission any adverse finding or adverse final action taken by any court or administrative body that involves conduct bearing on the permittee's or licensee's character qualifications and that would be reportable in connection with any application for renewal. Such reports must be filed within 90 days of the date the permittee or licensee becomes aware of any such reportable adverse findings or adverse final actions not previously reported to the Commission. Currently, licensees are required to file such reports within 30 days of the relevant adjudication. The Commission stated that permittees and licensees bear the obligation to make reasonable, good faith efforts to become knowledgeable of any such reportable adjudicated misconduct.

The Media Access Project (MAP) and Telecommunications Research and Action Center (TRAC) asked the Commission to further expand the range of relevant misconduct and the scope of matters that must be reported to include all civil judgments involving misrepresentation, whether or not the misrepresentation is made to a governmental unit. They also asked that the Commission consider convictions for non-serious as well as serious misdemeanors.

Additionally, Cronicle Broadcasting Co., Post-Newsweek Stations, Inc., The Providence Journal Company, Shenandoah Valley Educational Television Corporation, and the Spartan Radiocasting Company (Joint Petitioners) asked the Commission to ease the reporting burden imposed on licensees and to clarify the reporting requirements. Its request was granted, in part.

With respect to MAP and TRAC, the Commission declined to expand the reporting requirements of licensees. As to civil matters, the Commission expressed continued belief that judgments relating to fraudulent representations to a governmental unit or mass media related violations of antitrust or anticompetitive laws bear most directly on an applicant's

The Commission recognized that some civil misrepresentations not involving governmental units may be relevant to a broadcaster's character qualifications. However, the Commission said that based on its experience, the category of civil misrepresentation is too broad to be presumptively relevant to a broadcaster's qualifications. It may, however, consider such matters on a case-by-case-basis.

Action by the Commission May 1, 1991, by Memorandum Opinion and Order (FCC 91-146). Commissioners Sikes (Chairman), Quello, Marshall, Barrett, and Duggan.

-FCC-


News Media contact: Patricia A. Chew at (202) 632-5050.



CERTIFICATE OF SERVICE

I, Linda Gibson, a secretary with the law firm of Cohen and Berfield, P.C., do hereby certify that on the 28th day of June, 1991, a copy of the foregoing "Petition To Deny" was sent via first class mail to the following office:

Koteen & Naftalin
1150 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20036



Linda Gibson

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

ELIZABETH NELSON RANDOLPH
a/k/a LIZ RANDOLPH,

Plaintiff,

v.s.

DONALD JEFFERSON a/k/a
BANANA DON, JAMES QUINN,
JAMES RICHARDS, JOHN DOE,
"TEX" MEYER, and EZ
COMMUNICATIONS, INC, a
corporation,

Defendants.

CIVIL DIVISION

G.D. 88-02730

JURY TRIAL TRANSCRIPT
VOLUME I

Reported by:
Deborah M. Lampe, RPR
Official Court Reporter

Trial dates:
January 22, 1990 -
February 1, 1990

Trial Judge:
Hon. John L. Musmanno

COUNSEL OF RECORD:

For the Plaintiff:
Samuel P. Kamin, Esq.
Howard M. Louis, Esq.
Goldberg & Kamin
1408 Law & Finance Bldg.
Pittsburgh, PA 15219

For the Defendants:
Foster S. Goldman, Jr., Esq.
Meghan P. Wiese, Esq.
Allen Andrachuk, Esq.
Klett, Lieber, Rooney &
Schorling
40th Floor
One Oxford Centre
Pittsburgh, PA 15219

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PLAINTIFF'S EXHIBITS:

IDENTIFIED ADMITTED

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Jim Richards		230	230
2 - Letter dated 1/29/88 from			
Frederick Polner		230	231
3 - Letter dated 1/22/88 from			
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4 - Letter to superintendents of school			
districts in Allegheny County		257	258
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Quinn and Banana Show		273	273
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A - Liz Randolph's contract with

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B - AFTRA basic minimum contract

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C - Report from Presbyterian-

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D - Initial evaluation form from

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E - Progress notes from Western

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F - Memo to Liz Randolph from Jim

Richards dated 3/3/87

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G - Memo to Liz Randolph from Jim

Richards dated 3/5/87

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H - Memo to Liz Randolph from Jim

Richards dated 4/29/87

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I - Memo to Liz Randolph from Jim

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DEFENDANTS' EXHIBITS:

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M - Employee evaluation form

dated 1/10/86 417 442

N - Employee evaluation form

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O - Employee evaluation form

dated January '87 418 443

P - Employee evaluation form

dated 7/31/87 419 445

Q - Letter regarding Liz Randolph's

appearance at Kaufmann's hugging

booth in 1986 461

R - Letter regarding Liz Randolph's

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booth in 1987 461

S - Thank you letter from Goodwill

Industries dated 6/18/87 462

T - Letter regarding street spectacular

for South Side Center 463

U - Thank you letter from Montour

School District 464

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APPLICATION FOR RENEWAL OF LICENSE FOR
COMMERCIAL AND NONCOMMERCIAL AM, FM OR TV BROADCAST STATION

Approved by OMB
3060-0110
Expires 5/31/91

For <u>Commission</u> Fee Use Only	FEE NO:	For <u>Applicant</u> Fee Use Only Is a fee submitted with this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, indicate reason therefor (check one box): <input type="checkbox"/> Nonfeeable application Fee Exempt (See 47 C.F.R. Section 1.1112) <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity
	FEE TYPE:	
	FEE AMT:	
	ID SEQ:	
For <u>Commission</u> Use Only:	File No. <u>910401C2</u>	

1. Name of Applicant <u>EZ Communications, Inc.</u>			4. Have the following reports been filed with the Commission: (a) The Broadcast Station Annual Employment Reports (FCC Form 395-B) as required by 47 C.F.R. Section 73.3612? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, attach as Exhibit No. <u>---</u> an explanation. (b) The applicant's Ownership Report (FCC Form 323 or 323-E) as required by 47 C.F.R. Section 73.3615? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, give the following information: Date last ownership report was filed <u>---</u> Call letters of station for which it was filed <u>---</u>
Mailing Address <u>10800 Main Street</u>			
City <u>Fairfax</u>	State <u>VA</u>	ZIP Code <u>22030</u>	
2. This application is for: <input type="checkbox"/> AM <input checked="" type="checkbox"/> FM <input type="checkbox"/> TV			
(a) Call Letters: <u>WBZZ (FM) 43.7</u>		(b) Principal Community: City <u>Pittsburgh, PA</u> State <u>PA</u>	
3. Attach as Exhibit No. <u>---</u> an identification of any FM booster or TV booster station for which renewal of license is also requested.			

APR 23 1991

FCC 303-S
May 1988

5. Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? ☒ Yes ☐ No.

If No, attach as Exhibit No. ___ an explanation.

6. Since the filing of the applicant's last renewal application for this station or other major application, has an adverse finding been made or final action been taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination? ☐ Yes ☒ No
See 303-S
Exhibit No. 6

If Yes, attach as Exhibit No. ___ a full description of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers) and the disposition of the litigation.

7. Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact? ☐ Yes ☒ No

If Yes, attach as Exhibit No. ___ an Environmental Assessment required by 47 C.F.R. Section 1.1311.

If No, explain briefly why not. See 303-S Exhibit No. 7

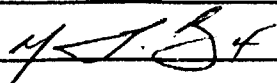
8. Has the applicant placed in its station's public inspection file at the appropriate times the documentation required by 47 C.F.R. Sections 73.3526 or 73.3527? ☒ Yes ☐ No

If No, attach as Exhibit No. ___ a complete statement of explanation.

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION: I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name EZ Communications, Inc.	Signature 
Title President	Date March 29, 1991

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.

FEDERAL COMMUNICATIONS COMMISSION
FEE PROCESSING FORM

FCC
FCC
04-03-91 8195594 001

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

SECTION I			
APPLICANT NAME (Last, first, middle initial)			
EZ Communications, Inc.			
MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to Instruction (2) on reverse of form)			
c/o Koteen & Naftalin			
MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)			
1150 Connecticut Avenue, NW			
CITY			
Washington			
STATE OR COUNTRY (if foreign address)		ZIP CODE	CALL SIGN OR OTHER FCC IDENTIFIER (if applicable)
DC		20036	WBZZ (FM)
Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.			
(A)	(B)	(C)	
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1)			
M G R		\$ 100.00	

SECTION II — To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.			
(A)	(B)	(C)	FOR FCC USE ONLY
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	
(2)		\$	
(3)		\$	
(4)		\$	
(5)		\$	
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.		TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING	FOR FCC USE ONLY
		\$ 100.00	100.00

PENDING CASES

A list of pending litigation relating to the licensee's (or its parent company's) broadcast stations was set forth in Exhibit No. 6 to BRH-900928ZT, the license renewal application for KMPS(FM) in Seattle, Washington, which was granted on March 8, 1991. The following updates the KMPS submission:

1. WMXC(FM), Charlotte, North Carolina. The EEOC's civil action relating to the Bensch, Lage and Sherill allegations has been settled pursuant to a consent decree approved by the U.S. District Court on March 2, 1990. The consent decree specified that it was not an adjudication or finding and was not to be construed as an admission of any violation of the Civil Rights Act.

2. WBZZ(FM), Pittsburgh, Pennsylvania. The arbitration decision in Ms. Randolph's favor has become final and the sum due as a result of the arbitration paid. The Human Relations Commission proceeding and a related civil suit is still pending. Another civil action claiming defamation, among other causes of action, has resulted in a jury verdict for Ms. Randolph. A motion to set aside that verdict has been denied in principal part, and an appeal, which is not expected to be decided until next year, has been filed.

3. WKOL(FM), Jacksonville, Florida. In connection with the July, 1989, EEO complaint of Juanita Buchanan, the Tampa area office of the EEOC issued a determination on February 16, 1990, that an investigation of the charge did not establish a violation

CARL T. JONES
CORPORATION

STATEMENT OF CYNTHIA M. JACOBSON
IN SUPPORT OF AN APPLICATION FOR RENEWAL OF LICENSE
RADIO STATION WBZZ(FM) - PITTSBURGH, PENNSYLVANIA
CHANNEL 229B - 41 KW ERP - 168 METERS HAAT

I am a Radio Engineer, an employee in the firm of Carl T. Jones Corporation, with offices located in Springfield, Virginia.

My education and experience are a matter of record with the Federal Communications Commission.

This office has been authorized by EZ Communications, Inc., licensee of Radio Station WBZZ(FM), Pittsburgh, Pennsylvania, to prepare this Radiofrequency (RF) Radiation Exposure and Occupational Safety Statement in support of an Application for Renewal of License. WBZZ(FM) currently operates on Channel 229B with 41 kilowatts Effective Radiated Power (ERP) and an antenna center of radiation at 168 meters Height Above Average Terrain (HAAT), as authorized by FCC Permit No. BLH-6784.

RADIOFREQUENCY IMPACT

Effective January 1, 1986, the FCC amended its Rules and Regulations to implement the National Environmental Policy Act of 1969 (NEPA). This amendment established RF radiation protection guidelines to be used to determine if potentially harmful exposure is possible from an FCC-regulated transmission facility. The adopted